

**0080-6-19-.04 REGULATED ARTICLES.** The following pests and articles shall be regulated by this quarantine.

- (1) The black imported fire ant, *Solenopsis richleri* Forel, and the red imported fire ant, *Solenopsis invicta* Buren, in any living stage of development.
- (2) Soil, compost, decomposed manure, humus, mulch and peat, separately or with other things;
- (3) Plants with roots with soil attached;
- (4) Grass sod;
- (5) Hay and straw;
- (6) Used mechanized soil-moving equipment; and
- (7) Any other products, articles, or means of conveyance of any character whatsoever, when it is determined by the Director that they present a hazard of spread of imported fire ants and the person in possession thereof has been notified.

**Authority:** T.C.A. §§43-6-106, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

**0080-6-19-.05 CERTIFICATES AND PERMITS REQUIRED.** Unless exempted, a certificate or a permit must accompany the movement of regulated articles from any regulated areas into or through any point outside thereof. Regulated articles originating outside a regulated area may be moved without a certificate or permit if

- (1) The point of origin is clearly indicated on the shipping document accompanying the regulated articles provided; and
- (2) The regulated articles moving through the infested area are protected to the satisfaction of the Director.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

**0080-6-19-.06 ATTACHMENT OF CERTIFICATES AND/OR PERMITS.**

Every single article and/or every container of regulated articles is required to have a certificate or permit securely attached to the outside thereof, when being moved or offered for movement. Where regulated articles are adequately described on the certificate or permit attached to the way-bill, the attachment of a certificate or permit to each container of the articles or to the article itself will not be required.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

**0080-6-19-.07 CONDITIONS GOVERNING ISSUANCE OF CERTIFICATES AND PERMITS.**

- (1) **CERTIFICATES:** Certificates may be issued by the inspector for the movement of the regulated articles designated in this quarantine under any of the following conditions:
  - (a) When in the judgement of the inspector, they have not been exposed to infestation.

- (b) When they have been examined by the inspector and found to be free of infestation
- (c) When they have been treated to destroy infestations under the supervision of the inspector and in accordance with methods selected by him from procedures authorized by the Director of the Division of Plant Industries and known to be effective under conditions in which applied.
- (d) When grown, produced, manufactured or handled in such manner that in the judgement of the inspector, no infestation would be transmitted thereby.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

#### **0080-6-19-.08 PROTECTING CERTIFIED ARTICLES.**

Prior to certification, regulated articles must be loaded, handled and shipped only under such protections and safeguards against infestation as are required by the inspector.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

#### **0080-6-19-.09 MOVEMENT OF REGULATED ARTICLES WITHIN THE REGULATED AREAS.**

Regulated articles within regulated areas may be freely moved unless:

- (1) The articles originate on infested properties;
- (2) The Commissioner has determined that a hazard of spread exists, and
- (3) The property owner has been so notified. A property owner so notified may move the specified regulated articles within the regulated areas only under conditions approved by the Director.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

**0080-6-19-.10 EXEMPT ARTICLES.** The following articles are exempt from all regulated area certification and permit requirements if they meet applicable conditions prescribed, and have not been exposed to infestation after cleaning or other handling

- (1) Potting soil, if commercially prepared, packaged and shipped in original containers.
- (2) Hay and straw, if used for packing or bedding.
- (3) Used mechanized soil-moving equipment, if cleaned of all loose, non-compacted soil.
- (4) Transplants, if substantially free of soil and house plants grown in the home and not for sale.
- (5) Soil samples for processing, testing, or analysis, may be moved from the regulated area only to laboratories operated under compliance agreement, or only in emergencies under authorization from the Director.
- (6) Compact, decomposed manure, humus and peat, if dehydrated, ground, pulverized or compressed.
- (7) Logs and pulpwood, provided the loading site has been properly treated as recommended.